

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA)

v.)

Case No. 14-MJ-61 FLN

DELFINO GUADARRAMA-MIRANDA,
A/K/A: DANIEL ESTRADA)

CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 7, 2014, in Hennepin County, in the State and District of Minnesota, defendant(s)

an alien and citizen of Mexico who has previously been removed subsequent to a conviction for a felony offense, namely, a conviction on July 30, 2002, controlled substance crime in the first degree (Ramsey County, MN), knowingly and unlawfully entered and was found in the United States without having obtained the consent of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States

in violation of Title 8, United States Code, Section(s) 1326(a)(1).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me and signed in my presence.

Date: 1/30/14

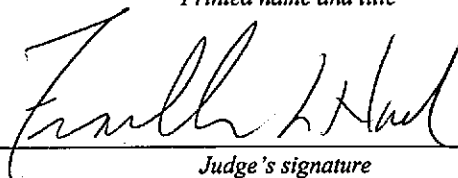
City and state: Minneapolis, MN



Complainant's signature

BARBARA KENNEDY, Deportation Officer

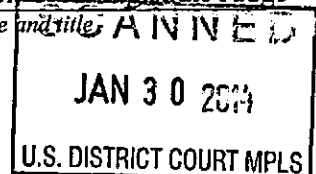
Printed name and title



Judge's signature

The Honorable Franklin Noel, U.S. Magistrate Judge

Printed name and title



STATE OF MINNESOTA)

) ss. AFFIDAVIT OF BARBARA KENNEDY

COUNTY OF HENNEPIN)

1. Your affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since February 6, 2006; she began her career as an Immigration Enforcement Agent. On June 22, 2008, affiant was promoted to Deportation Officer.
2. As a Deportation Officer, affiant is charged with the responsibility of overseeing the cases of aliens in removal proceedings. Duties include the review of alien files for legal sufficiency, the detention and release of aliens in ICE custody, monitoring of the removal proceedings, and the enforcement of the immigration court's decision, including removal from the United States.
3. This affidavit is based upon affiant's training, experience, personal knowledge; upon discussions with other law enforcement officers and agents directly involved in this investigation; and upon review of official reports and documents related to this investigation.
4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this affidavit, your affiant believes that probable cause exists to support that, on or about January 7, 2014, in Hennepin County, in the District of Minnesota, Delfino GUADARRAMA-Miranda (AKA: Daniel ESTRADA), a citizen and national of Mexico, was found to be unlawfully present in the United States after having been previously removed, without the consent of the Attorney General or his successor, the Secretary of the Department of Homeland Security, or any other designated and authorized representative, to re-apply for admission to the United States, and the defendant's removal was subsequent to a conviction of a felony, in violation of Title 8, United States Code, Sections 1326(a)(1), and Title 6, United States Code, Sections 202 and 557.
5. On January 7, 2014, defendant GAUDARRAMA-Miranda was encountered by the St Paul ICE Fugitive Operations Team, in Minneapolis, MN. Defendant was identified as part of the national ICE Operation Criminal Alien Removal Initiative (CARI). Deportation Officers (DO) Sam Olson, Scott Ladwig and Supervisory Detention and Deportation Officer (SDDO) Chris Klinger, determined the defendant to be unlawfully present in the United States without proper immigration documents which would allow the defendant to be in, pass through, or remain in the United States. Defendant was placed under arrest and transported to the St Paul ICE Field Office, without incident.

6. At the ICE facility, the defendant was advised of his Miranda Rights by DO Olson. Defendant's fingerprints were rolled, scanned and electronically submitted into the Department of Homeland Security's Automated Biometric Identification System (IDENT) and the Federal Bureau of Investigations Integrated Automated Fingerprint Identification System (IAFIS). IDENT and IAFIS positively matched and linked defendant's fingerprints to alien registration number A039067838, Federal Bureau of Investigations (FBI) number 748698CA1, and DHS Fingerprint Identification number (FIN) 19954891, revealing defendant's previous immigration and criminal history.
7. Based on IAFIS and IDENT verification of defendant's prior history, your affiant reviewed defendant's unique immigration alien file (hereinafter "A-file") A039067838. Defendant's A-file contains photographs, fingerprints and immigration documents identifying defendant as a citizen and national of Mexico, who has been ordered removed and physically removed from the United States to Mexico prior to being found in the District of Minnesota in 2014.
8. The defendant's A-file contains immigration records that confirm he has been previously arrested by ICE and removed from the United States on one (1) prior occasion(s): December 6, 2006, through the Brownsville, TX port of entry.
9. On January 7, 2000, the defendant was convicted of Possession of Pistol without Permit, in violation of Minnesota Statute 624.714, Subdivision 1(a), in the Ramsey County District Court at St. Paul, MN. Defendant was sentenced to 6 months imprisonment.
10. On January 7, 2000, the defendant was convicted of Possession of Methamphetamine, in violation of Minnesota Statute 152.021, Subdivision 2(1), in the Ramsey County District Court at St. Paul, MN. Defendant was sentenced to 86 months imprisonment.
11. On July 30, 2002, the defendant was convicted of Possession of Methamphetamine, in violation of Minnesota Statute 152.021, Subdivision 2(1), in the Ramsey County District Court at St. Paul, MN. Defendant was sentenced to 86 months imprisonment.
12. Further review of the defendant's A-file, and immigration computer records, reveals that subsequent to the defendant's removal on December 6, 2006, the defendant has not applied for, nor received, permission to enter the United States from the Attorney General or any other designated representative, as defined in the Immigration and Nationality Act (INA) Section 241(a)(5) codified under Title 8, United States Code, Section 1231(a)(5). Defendant is currently detained in ICE custody, classified as mandatory detention, per INA Section 241(a)(2), codified under Title 8, United States Code, Section 1231(a)(2).
13. Based on these facts, your affiant has reason to believe that GUADARRAMA-

Miranda is in violation of Title 8, United States Code, Sections 1326(a)(1), Re-entry after removal, in that he was ordered removed, subsequently removed following the conviction of a felony, and then found in the United States without consent of the Attorney General, or the Secretary of the Department of Homeland Security, or any other designated and authorized representative.

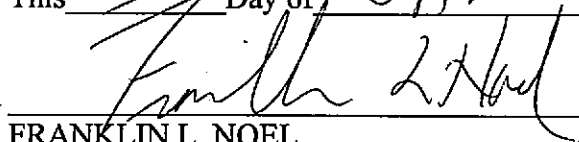
Further Your Affiant Sayeth Not.



Barbara Kennedy, Deportation Officer
Immigration and Customs Enforcement
Department of Homeland Security

SUBSCRIBED and SWORN to Before Me

This 30th Day of JAN, 2014.



FRANKLIN L. NOEL
United States Magistrate Judge